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ABSTRACT

The materials included in this booklet are designed for use by participants in Application Session A and B for Physical Activity Personnel working in postsecondary institutions. These materials are initial drafts prepared for field testing only. They are not the final products to be delivered at the completion of the project. The materials include basic guidelines for Title 9 compliance, various assessment forms, models for program planning and development, and case studies identifying discriminatory practices. These materials are one component of a multi-component training model developed by the Resource Center on Sex Roles in Education under a sub-contract with the Council of Chief State School Officers (CCSSO). The training model is designed to assist educational personnel and interested citizens in the implementation of Title 9 of the Education Amendments of 1972 and the attainment of sex equity in education. The training model will be utilized and tested in the 20 regional workshops of the CCSSO's Title 9 Equity Workshops Project. (Author/JEL)

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(Postsecondary Material)

IMPLEMENTING TITLE IX AND ATTAINING SEX EQUITY

APPLICATION MATERIALS FOR PHYSICAL ACTIVITY PERSONNEL

TITLE IX EQUITY WORKSHOPS PROJECT

COUNCIL OF CHIEF STATE SCHOOL OFFICERS
Suite 701/1201 16th Street, N.W.
Washington, D.C. 20036

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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CG 012439

IMPLEMENTING TITLE IX AND ATTAINING SEX EQUITY

APPLICATION MATERIALS FOR PHYSICAL ACTIVITY PERSONNEL

Prepared for the
Council of Chief State School Officers'
Title IX Equity Workshops Project

by the
Resource Center on Sex Roles in Education
National Foundation for the Improvement of Education

Field Test Materials
Not For Final Distribution

Preface

These participant materials are one component of a multi-component training model developed by the Resource Center on Sex Roles in Education under a subcontract with the Council of Chief State School Officers (CCSSO). The training model is designed to assist education personnel and interested citizens in the implementation of Title IX of the Education Amendments of 1972 and the attainment of sex equity in education. The training model will be utilized and tested in the 20 regional workshops of the CCSSO's Title IX Equity Workshops Project. Paticipant materials for the Project were funded under contract #P-77-0130 with the Educational Equity Group of the National Institute of Equity Workshops Project is funded under contract #300-76-0455 with the Women's Program Staff, U.S. Office of Education.

The materials included in this booklet are designed for use by participants in Application Sessions A and B for Physical Activity Personnel working in postsecondary institutions.

These materials are initial drafts prepared for field testing only. They are not the final products to be delivered at the completion of the project. Individuals or groups interested in reproducing these materials should obtain permission from the CCSSO Title IX Equity Workshops Project as revisions of these materials are continually being made. It may be possible to obtain improved versions for reproduction. The final products will be completed April 1, 1978.

The Resource Center is indebted to Dorothy McKnight, Margarite Arrighi, and Joan Hult of Athletic and Sport Consultants, Inc. who were responsible for the development of these materials. Portions of the model were adapted from materials developed by Barbara Landers of the California State Department of Education. Members of the Resource Center Staff who assisted included Kent Boesdorfer, Joyce Kaser, and Ann Baucom. Shirley McCune and Martha Matthews are co-editors of the training model.

Acknowledgement is given to Sarita Schotta, Project Monitor, National Institute of Education, for the advice and assistance provided in the development of the participant materials for the regional workshops. Acknowledgement is also given to M. Patricia Goins, Project Monitor, Women's Program Staff, for their advice and assistance in the implementation of the contract for the CCSSO Title IX Equity Workshops Project.

Special appreciation is also extended to the twenty subcontractors implementing the model in the regional workshops for their contributions, support, and patience throughout the project.

October 1977

SESSION A

PARTICIPANT MATERIALS

FOR PHYSICAL ACTIVITY PERSONNEL

ASSESSMENT OF PROGRESS OF TITLE IX IMPLEMENTATION IN

PHYSICAL EDUCATION, INTRAMURAL AND ATHLETIC PROGRAMS

Worksheet # A (1)

Instructions: Place 3 or 4 key words in each large block which describe the changes which have occured in your institution during the last two years in each of the listed areas and programs. The sub groups are to help you identify the aspects of each area.

For example:

Program: all coed classes 3 new coed sports women-more games

AREA	PHYSICAL EDUCATION	INTRAMURALS	INTERCOLLEGIATE ATHLETICS
1. Program: a) scheduling b) # offerings c) caliber of offerings d) requirements e) facility usage f) budget			
2. Interest: a) # students participating b) media coverage			
3. Resources: a) insurance b) physical exam c) medical care d) scholarships e) tutoring			
4. Control: a) administrative structure b) decision making			
5. Staff: a) salary b) rank and tenure c) ratio d) assignments			
6. Stature: a) attendance b) media coverage			

ASSESSMENT OF NEEDS FOR TITLE IX IMPLEMENTATION IN

PHYSICAL EDUCATION, INTRAMURAL AND ATHLETIC PROGRAMS

Worksheet # A (2)

Instructions: Place 3 or 4 key words in each large block which describe the changes which must occur in each of the listed areas and programs for sex equity to be reached in your institution.

For example:

Staff: women's class loads reduced; equal pay for woman director; more assistant coaches for women

AREA	PHYSICAL EDUCATION	INTRAMURALS	INTERCOLLEGIATE ATHLETICS
1. Program: a) scheduling b) # offerings c) caliber of offerings d) facility usage e) requirements f) budget			
2. Interest: a) # students participating b) media coverage			
3. Resources: a) insurance b) physical exam c) medical care d) scholarships e) tutoring			
4. Control: a) administrative structure b) decision making			
5. Staff: a) salary b) rank and tenure c) ratio d) assignments			
6. Stature: a) attendance b) media coverage			

BASIC GUIDELINES FOR PHYSICAL EDUCATION TITLE IX COMPLIANCE
PHYSICAL ACTIVITY INFORMATION SHEET #A3

In order to apply the necessarily abstract and technical language of the Federal regulation to the physical education programs of education agencies and institutions, it may be useful to review a number of basic guidelines or principles derived from the Regulation. The principles regarding compliance in this area are scattered throughout the Regulation and the following guidelines pull together the essence of physical education compliance.

1. Physical education programs, courses, classes, or activities may not differentiate between students on the basis of sex.

   - Any requirements for participation in physical education must be the same for females and males. Male and female students may not be required, on the basis of their sex, to complete different numbers of hours, days, or semesters of physical education. Males and females may not be required to participate in different physical education programs, classes, courses, activities.

   - Participation in physical education programs, courses, classes, or activities may not be refused to students on the basis of their sex.

   - Physical education courses and classes may not be conducted separately for male and female students (except on those occasions when they deal exclusively with human sexuality). The same is true for most physical education activities.

   - Physical education courses may not be sex-designated.

2. Title IX does not require any specific curricula or activities within a physical education program; it requires only that those which are offered by an agency or institution be open equally to students of both sexes.

3. Title IX does not specify any particular process for the assignment or selection of students for physical education courses or classes. Any procedure may be used if it does not discriminate on the basis of sex.

4. Students may be grouped by ability, as assessed by objective standards, within physical education classes or activities. Grouping by objective standards of ability may result in groups composed primarily of students of one sex.

5. Students may be separated by sex within physical education classes for participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

6. Evaluation of student's skills or progress in physical education must be based on standard which do not have an adverse impact on students of one sex.

If the use of a single standard or set of standards for the evaluation of both female and male students has an adverse effect upon students of one sex:

- two separate standards or sets of standards, one for males and one for females, should be developed for evaluation of skills or performance; or
- a single standard or set of standards which measure individual student improvement should be adopted.

7. Physical education facilities and equipment must be allocated without regard to the sex of students or instructors.

8. Physical education staff must be assigned teaching and supervisory duties (other than locker room supervision) on the basis of their qualifications rather than their sex or the predominant sex of the students in a particular course, class, or activity.

9. Physical education staff may not be treated differentially on the basis of sex in hiring, job assignment or classification, compensation, or any other condition of employment.

10. Title IX makes no requirements regarding the administrative structure of the physical education department or staff. If, however, any changes are made to accompany the integration of physical education classes by sex, these changes may not have an adverse effect on the employment of members of one sex.

11. Postsecondary schools should comply fully as rapidly as possible, but in no event later than July 21, 1978.

12. If noncompliance with Title IX requirements for nondiscrimination is identified, two forms of action must be taken:

- modifications must be made to correct any policies, procedures, or practices which have been found to discriminate; and
- remedial steps must be taken to alleviate the effects of any discrimination identified.

BASIC GUIDELINES FOR COMPETITIVE ATHLETICS TITLE IX COMPLIANCE

Physical Activity Information Sheet #A4

1. Athletic programs may not be conducted separate on the basis of sex unless:

   - The teams are involved in contact sports such as football, basketball, wrestling, boxing, ice hockey, or rugby. (NOTE: Other sports, whose purpose of major activity involves bodily contact, may be deemed contact sports but districts must apply to the Office of Civil Rights for permission to treat sports other than those listed as contact sports.)

   - Selection for participation on the team is based on competitive skill.

2. Title IX permits but does not require schools to field separate teams for the exemptions listed in number 1 unless the operation of separate teams is necessary to satisfy the interest and abilities of both sexes.

3. If a school fields a team in a non-contact sport for one sex but not the other then members of the excluded sex must be allowed to try-out for the team unless the overall athletic opportunities for the excluded sex have been greater than those opportunities for the sex which the team proposes to serve.

4. Title IX makes the following providions for INTRAMURAL or CLUB activities:

   - No student may be denied participation in contact or non-contact sports for which there is or is not a selection criteria based on skill if sufficient interest exists among members of the sex that would otherwise be excluded and if there are and have been fewer opportunities for members of that sex to participate in sports at the level of competition in question.

   - Teams in non-contact sports for which the criteria for participation is interest rather than competitive skill may not be limited to members of one sex.

5. Title IX allows schools to conduct a single student team (comprised of members of both sexes) only if competitive skill is a selection criteria and if the needs, interests and abilities of both sexes are effectively accommodated by having only one team. Should the overall effect of offering only one team mean that many interested members of one sex are excluded due to lack of sufficient skill, then the offering of one team would not be meeting the needs and abilities of both sexes.

6. Equal opportunity to participate in athletics must be provided to members of both sexes. While this does not require parity in fiscal support, there must be evidence that equitable services are provided in these and other areas:

   . Effective accommodation of the interests and abilities of members of both sexes in sports and levels of competition offered (best validated through use of student, parent and faculty survey data compilation and interpretation);

- Equipment and supplies provided;
- Travel and per diem allowance provisions;
- Opportunities to receive coaching and academic tutoring;
- Access to locker rooms, practice and competitive facilities;
- Access to medical and training facilities and services;
- Access to housing and dining facilities and services; and
- Efforts to provide publicity

7. Eligibility standards, medical examination requirements, and other criteria for requisite skill must be the same for members of both sexes.

8. Schedules and practices and supervision must be equitable for comparable sports and in the overall programs of each sex.

9. Opportunites to play before an audience must be comparable.

10. Teams may be coached by members of the opposite sex, and institutions must seek out the best qualified candidate to coach the team in question.

11. Athletic coaches must be assigned coaching and supervisory duties (other than locker room supervision) on the basis of their qualifications rather than their sex or the predominate sex of the students to be coached.

12. Athletic staff members may not be treated differentially on the basis of sex in hiring, job assignment or classification, compensation, or any other condition of employment.

13. Title IX regulations may not be superseded by adherence to other sports governance bodies. Either the policies and practices which conflict and lead to discriminatory practices and policies must be changed (or intermediary compromises made), or schools must withdraw from membership from the conflicting governance body.

14. Title IX makes no requirements regarding the administrative structure of the athletic department(s) and staff. If, however, any changes are made to accompany compliance with Title IX regulations in the area of intramurals, club or intercollegiate sports, these changes may not have an adverse effect on the employment or the job-grading of members of one sex.

15. Schools should be in full compliance with the regulatory requirements for nondiscrimination in intramurals, club sports and intercollegiate athletics as rapidly as possible, but in no event later than July 21, 1978.

16. The regulation for athletic scholarships provides that "reasonable" opportunities for athletic scholarships should be "in proportion to the number of students of each sex participating in intercollegiate athletics."

- The thrust of the athletic scholarship section is the concept of reasonableness, not in strict proportion in the allocation of scholarships. The degree of interest and participation of male and female students is the critical factor in determining whether the allocation conforms to the requirements of the regulation.

- Neither quotas nor fixed percentages of any type are required.

17. The allocation of athletic scholarships may be given on the basis of sex when there are separate teams. Male and female athletes at comparable levels must be afforded approximately the same opportunities to obtain scholarships.

1. If an educational institution wishes, it may decide not to make an overall proportionate allocation of athletic scholarships on the basis of sex, and thus decides to award such scholarships by other means such as applying general standards to applicants of both sexes. In such a case, the standards used must be neutral (e.g., based on criteria which do not inherently disadvantage members of either sex). Such criteria might include financial need, athletic proficiency or a combination of both.

18. If noncompliance with Title IX requirements for nondiscrimination is identified, two forms of action must be taken:

- Modifications must be made to correct any policies, procedures, or practices which have been found to discriminate; and

- Remedial steps must be taken to alleviate the effects of any discrimination identified.

Secondary schools are granted an adjustment period, <u>not a waiting period</u>. Barriers to immediate compliance must be identified, and active steps toward their elimination must be taken during the adjustment period of 1975-78. Such action steps should be clearly outlined and on file with the district Title IX compliance plan.

ASSESSMENT OF STUDENT AND PHYSICAL EDUCATOR OBJECTIVES

Physical Acitivity Worksheet #A5

Instructions: In rank order, select the three objectives which you feel women students have for physical education classes; in the first column, place the number 15 opposite the first ranked objective, 14 opposite the second ranked and 13 opposite the third ranked objective.
Then select the three least important objectives held by women and place a -15 opposite the least important objective, -14 opposite the next least important and a -13 opposite the third least important objective.
Repeat the entire process for men students and for physical educators and place in the proper column.
Add the scores (3) for each objective and place in the TOTAL column opposite the objective. Be sure to denote positive and negative numbers when you add and record.

PHYSICAL EDUCATION OBJECTIVES	Women Students	Men Students	Physical Educator	Total Number
1. to have fun				
2. to achieve success				
3. to increase knee strength				
4. to participate in an activity alone				
5. to improve self-confidence				
6. to control weight				
7. to achieve recognition				
8. to acquire ability to move freely with control				
9. to understand other people				
10. to get regular exercise				
11. to experience competition				
12. to make friends				
13. to increase arm and shoulder strength				
14. to develop skills in various sports				
15. to learn activities which could be continued outside of school				

ASSESSMENT OF PLAYER AND COACH OBJECTIVES

Physical Activity Worksheet #A6

Instructions: In rank order, select the two objectives which you feel women players have for athletic participation; in the first column, place the number 6 opposite the first ranked objective, and the number 5 opposite the second ranked objective.
Then select the two least important objectives held by women and place a -6 opposite the least important objective and a -5 opposite the next least important objective.
Repeat the entire process for men student-athletes and for coaches.
Add the scores (3) for each objective and place them in the TOTAL column opposite the objective. Be sure to denote positive and negative numbers when you add and record.

INTERCOLLEGIATE ATHLETIC OBJECTIVES	Women Players	Men Players	Coaches	Total Number
1. to participate in a social experience e.g. meet new people, extend existing relationships, share joy, experience team effort				
2. to acquire health and fitness e.g. increase strength, flexibility, cardiovascular endurance, agility, skill proficiency				
3. to pursue vertigo e.g. experience risk and thrill through speed, change of direction or position				
4. to participate in an aesthetic experience e.g. experience rhythmic, forma ful activities such as gymnastics, ballet				
5. to experience a catharsis e.g. opportunity to release tension in socially acceptable manner				
6. to participate in an ascetic experience e.g. opportunity to participate in painful, lonely, challenging competition				

Adapted from scales by Gerald Kenyon

APPLICATION SESSION B

Materials For Physical Education Subgroup B-1

PHYSICAL EDUCATION ASSESSMENT
Worksheet #B 1-6

Directions: Check (x) in the space provided, the answer that most accurately describes the current compliance status of your Department/Program.

	Yes	No	Partial/ Needs Revision
1. Is there a written statement of the physical education philosophy and objectives? Does it provide for equality of opportunity for both sexes?	___	___	___
2. If there are physical education requirements, are they the same for both sexes? Are criteria for waiving a requirement the same for both sexes?	___	___	___
3. Do course descriptions clearly indicate that all physical education classes are open to both sexes on a non-discriminatory basis?	___	___	___
4. Do course descriptions state the criteria for measuring skill, if such are used in grouping students?	___	___	___
5. Are physical education classes taught and conducted on a coed basis except for group work in contact sports?	___	___	___
6. Are the criteria for grouping and evaluating free of adverse effects on one sex?	___	___	___
7. Do teachers comply with the law relative to criteria for grouping and evaluating students in teaching a coed class?	___	___	___
8. Are uniform requirements the same for all students?	___	___	___
9. Are faculty assigned to classes based on their qualifications and without regard to sex?	___	___	___
10. Are separate facilities such as locker rooms, showers, etc. comparable for both sexes?	___	___	___
11. Does the program offer courses of sufficient diversity to meet the needs and interests of all students?	___	___	___

IDENTIFYING DISCRIMINATORY PRACTICES

Worksheet #B 1-7

Directions: After reading each situation, indicate in the space provided the action necessary for compliance with Title IX. If you feel that the situation represents compliance, indicate this in the space provided.

1. Because the rules in several activities for males and females are different (lacrosse, basketball, etc.), these courses are listed "for men only" or "for women only" in the course offerings.

   Action for compliance:

2. Since strength and speed are factors which influence both the safety and successful achievement of women in certain activities (basketball, wrestling, football, etc.) several courses are listed "for men" or "for women."

   Action for compliance:

3. In a sex-integrated tennis class, students are tested for ability grouping. All of the men ended in the higher skilled group while all women ended in the lower group. Thus, the class became "segregated from within."

   Action for compliance:

4. Similar norms were used for males and females in evaluating progress in a basketball class. With one exception, all of the females received a C or below while a majority of the males received a B or better.

   Action for compliance:

5. Since there is a safety factor involved in lacrosse participation, males and females are taught isolated skills as a group but separated for drill situations such as 3 on 2 situations and the like.

   Action for compliance:

6. In an elective bowling class, the instructor states that men may participate in their regular street clothes but women must change to the uniform provided according to the on-campus bowling lane restrictions on dress.

   Action for compliance:

7. In a physical conditioning class, the men are required to do a full pull-up to pass the arm strength test while the females are merely required to do the bent arm hang for ten seconds.

   Action for compliance:

8. Forty-five students register for a coeducational lacrosse class. The class is scheduled to be team taught. After the initial orientation session, the male teacher uses one field to teach the men and the female teacher uses another comparable field to teach the women. (There are different rules for men and women.)

   Action for compliance:

9. In a university situation, the approximate male/female ratio of service class students is 50-50. A female instructor resigns; a male instructor is hired to replace her. The faculty ratio becomes 6 male/3 female instructors.

   Action for compliance:

10. In a coeducational judo class, the male instructor proudly claims, "So far I've been able to discourage the women the first day so they drop the class."

    Action for compliance:

STANDARDS FOR THE GENERAL COLLEGE PHYSICAL EDUCATION PROGRAM
Worksheet #B 1-8

Directions: Indicate, by placing a check on the continuum scale from strong to weak, where your specific program would be evaluated at this time on each standard.

Standard 1. The physical educators' view of the general physical education program should be compatible with the philosophy of the university in which the program is conducted.

Weak ——— Strong

Standard 2. The curriculum in the general physical education program should be structured so as to meet the needs and interests of a diverse population who have varying levels of skills and capacities and myriad attractions and concerns competing for their time and energy.

Weak ——— Strong

Standard 3. The general physical education program is concerned with why one moves; how one moves; the physiological, sociological, and psychological consequences of movement; and the skills and motor patterns which comprise the movement repertoire.

Weak ——— Strong

Standard 4. The general physical education program has a unique opportunity to create an environment for the development of personal life skills. These skills include the ability to think critically, to be receptive to new and varied information in problem solving, to bring clarity out of confusion, to cope with difficulty in a positive manner, to respect the abilities of others and learn to depend on them, to be imaginative and creative, to know and accept one's own capacity and abilities, and to relate physically and mentally to another person or group of persons.

Weak ——— Strong

Standard 5. The general physical education program should be sensitive to the interests and needs of incoming students as well as those who are on campus. Departments should employ procedures whereby early program exposure is part of the student's general orientation to the university. Facilitating an awareness on the part of the students as to the potential which the program has for contributing to their education is an investment in the future productivity of both the program and the student.

Weak ——— Strong

Standard 6. The general physical education program should adopt procedures which will encourage participation by those students who are on campus but for a variety of reasons are not taking advantage of program offerings. An initial thrust at program awareness, though needed, should be complemented by a continuing effort to identify the values of the instructional program for those who are already in the university setting.

Weak Strong

Standard 7. The general physical education program, while primarily concerned with student instruction, should also be sensitive to the needs and interests of other university populations and other student programs. It is incumbent upon the department to make itself and its resources available to other people and programs on campus.

Weak Strong

Standard 8. The grading of students should reflect an assessment of the cognitive, affective, and motor skills developed according to the objectives of the general physical education program.

Weak Strong

Standard 9. Through appropriate assessment, instruction, and dialogue, students should be in a position to relate their current needs and interests to program offerings. Students have the right to make value judgments about their education, but such decisions should be made in view of their expressed interest and needs.

Weak Strong

Standard 10. Periodic evaluation of the course, methods of instruction, and student achievement is critical to program development.

Weak Strong

Standard 11. The support for the general physical education program should be consistent with the institutional support for other education programs.

Weak Strong

Standard 12. The general physical education program should have sufficient space of appropriate design and quality to conduct a program which is focused upon a variety of interests and subject to varying demands.

Weak Strong

Standard 13. The equipment used should be of sufficient quality and quantity to insure the safety of the students, facilitate the potential for learning, and generate enthusiasm for the activity.

Weak Strong

Standard 14. The faculty who teach in the general physical education program should be competent, interested, and dedicated to providing experiences which are designed for the needs of the college student.

Weak Strong

Standard 15. The faculty in the general physical education program should be assigned, supervised, evaluated, and rewarded on the same basis as faculty who have assignments in other units of the department of physical education and faculty who perform a similar function in other disciplines.

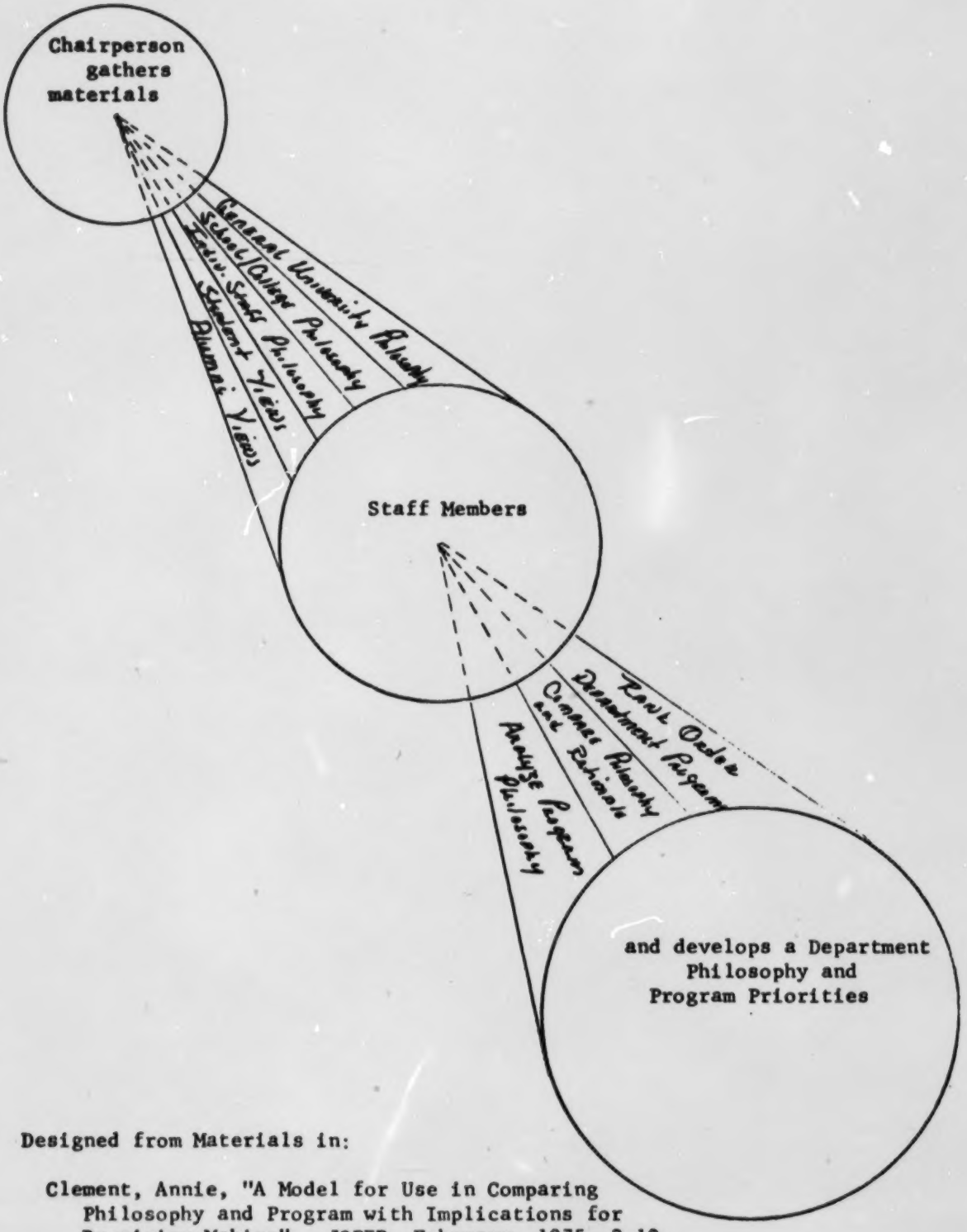
Weak Strong

Standard 16. The university image portrayed by the general physical education program should be one which exemplifies standards associated with quality educational experiences and contemporary systems of delivery. Accordingly, the general physical education program should be recognized. funded, and evaluated on the basis of its contributions and faculty.

Weak Strong

A MODEL FOR DEVELOPING PHILOSOPHY AND PROGRAM

Worksheet #B 1-9



Designed from Materials in:

Clement, Annie, "A Model for Use in Comparing Philosophy and Program with Implications for Deceision Making", JOPER, February, 1975, 8-10.

ACTION PLANNING
Worksheet #B 1-10

I. Establishing change objectives:
What three actions related to Title IX compliance and the elimination of sexism in physical education programs or practices would you most like to see accomplished next year?

1.

2.

3.

II. Identifying Barriers and Supports for Change:
A. What are the important barriers that you will encounter in working toward the change objectives that you selected?

B. What supports will you have in working toward your change objectives?

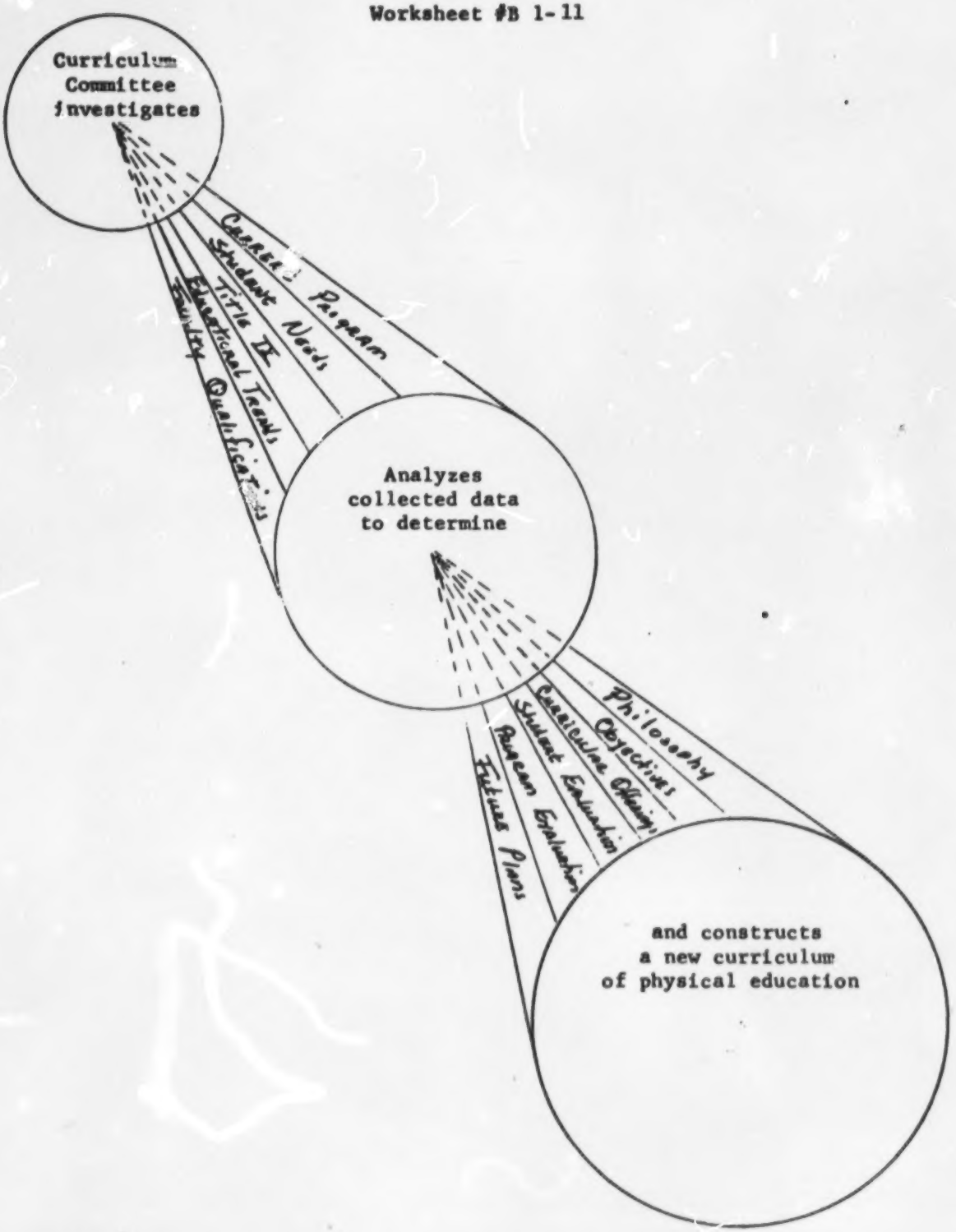
III. Planning for Change:
A. Resources for Change
What resources (knowledge, skills, finances, etc.) will you need to achieve your change objectives?

B. Action Steps
List below the necessary first steps that you will have to take to meet your change objectives and the timelines you will set for their completion:

Action Step	Time Completed

MODEL FOR CURRICULUM REVISION
TO ATTAIN SEX EQUITY

Worksheet #B 1-11

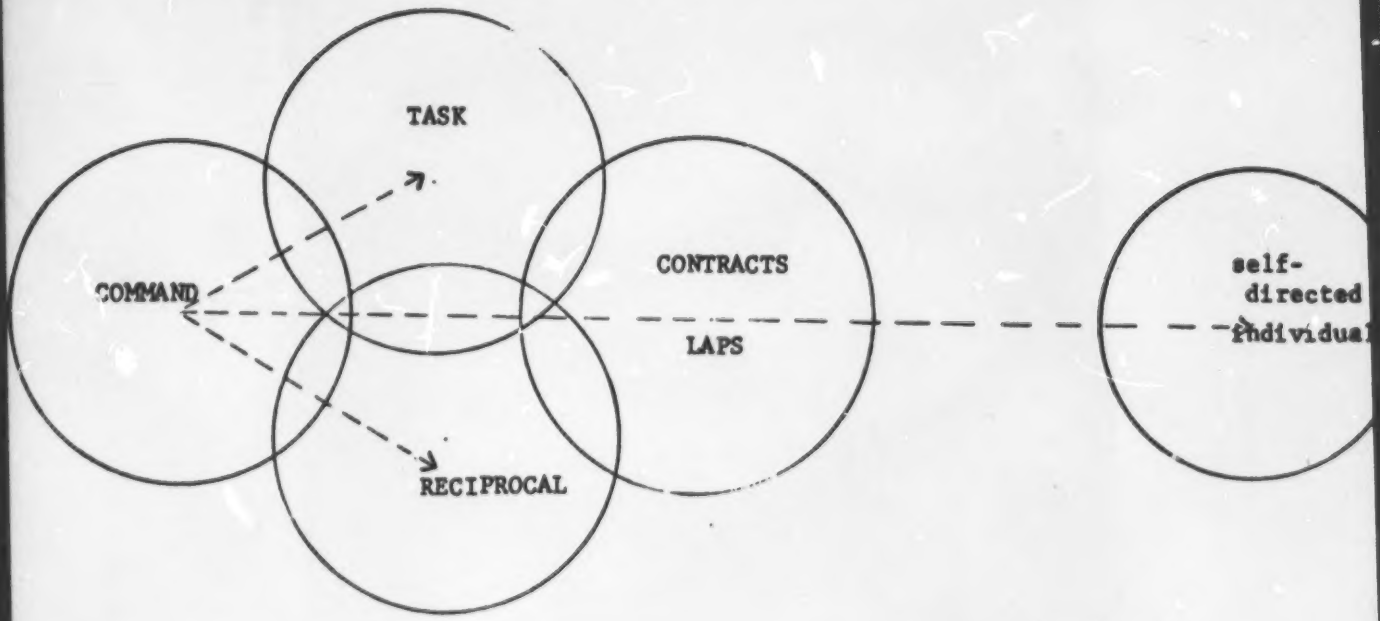


(adapted from Bucher and Koenig, 1974)

INDIVIDUALIZED INSTRUCTION CONTINUUM

A MODEL FOR SEQUENTIAL IMPLEMENTATION

Worksheet #B 1-12



teacher-oriented - - - - - - - - - - > student-oriented

product-oriented - - - - - - - - - - - > process-oriented

group focus - - — — — — — — — — > individual focus

Athletic and Sport Consultants, Inc., June, 1977

APPLICATION SESSION B

Materials for Athletics Subgroup B-2

MEMORANDUM TO

Chief State School Officers, Superintendents of Local Educational Agencies and College and University Presidents

SUBJECT:

ELIMINATION OF SEX DISCRIMINATION IN ATHLETIC PROGRAMS

September, 1975

U. S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE/Office for Civil Rights

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

September 1975

TO: Chief State School Officers, Superintendents of Local Educational Agencies and College and University Presidents

FROM: Director, Office for Civil Rights

SUBJECT: Elimination of Sex Discrimination in Athletic Programs

Title IX of the Education Amendments of 1972 and the Departmental Regulation (45 CFR Part 86) promulgated thereunder prohibit discrimination on the basis of sex in the operation of most federally-assisted education programs. The regulation became effective on July 21, 1975.

During the forty-five day period immediately following approval by the President and publication of the regulation on June 4, 1975, concerns were raised about the immediate obligations of educational institutions to comply with certain sections of the Departmental Regulation as they relate to athletic programs. These concerns, in part, focus on the application of the adjustment period provision (86.41 (d)) to the various non-discrimination requirements, and additionally, on how educational institutions can carry out the self-evaluation requirement (86.3(c)).

This memorandum provides guidance with respect to the major first year responsibilities of an educational institution to ensure equal opportunity in the operation of both its athletic activities and tis athletic scholarship programs. Practical experience derived from actual on-site compliance reviews and the concomitant development of greater governmental expertise on the application of the Regulation to athletic activities may,

of course, result in further or revised guidance being issued in the future. Thus, as affected institutions proceed to conform their programs with the Department's regulation, they and other interested persons are encouraged to review carefully the operation of these guidelines and to provide the Department with the benefit of their views.

Basic Requirements

There are two major substantive provisions of the regulation which define the basic responsibility of educational institutions to provide equal opportunity to members of both sexes interested in participating in the athletics programs institutions offer.

Section 86.41 prohibits discrimination on the basis of sex in the operation of any interscholastic, intercollegiate, club or intramural athletic program offered by an educational institution. Section 86.37(c) sets forth requirements for ensuring equal opportunity in the provision of athletic scholarships.

These sections apply to each segment of the athletic program of a federally assisted educational institution whether or not that segment is the subject of direct financial support through the Department. Thus, the fact that a particular segment of an athletic program is supported by funds received from various other sources (such as student fees, general revenues, gate receipts, alumni donations, booster clubs, and non-profit foundations) does not remove it from the reach of the statute and hence of the regulatory requirements. However, drill teams, cheerleaders and the like, which are covered more generally as extracurricular activities under section 86.31, and instructional offerings such as physical education and health classes, which are covered under section 86.34, are not a part of the institution's "athletic program" within the meaning of the regulation.

Section 86.41 does not address the administrative structure(s) which are used by educational institutions for athletic programs. Accordingly, institutions are not precluded from employing separate administrative structures for men's and women's sports (if separate teams exist) or a unitary structure. However, when educational

institutions evaluate whether they are in compliance with the provisions of the regulation relating to non-discrimination in employment, they must carefully assess the effects on employees of both sexes of current and any proposed administrative structure and related coaching assignments. Changes in current administrative structure(s) or coaching assignments which have a disproportionately adverse effect on the employment opportunities of employees of one sex are prohibited by the regulation.

Self-Evaluation and Adjustment Periods

Section 86.3(c) generally requires that by July 21, 1976, educational institutions (1) carefully evaluate current policies and practices (including those related to the operation of athletic programs) in terms of compliance with those provisions and (2) where such policies or practices are inconsistent with the regulation, conform current polices and practices to the requirements of the regulation.

An institution's evaluation of its athletic program must include every area of the program covered by the regulation. All sports are to be included in this overall assessment, whether they are contact or non-contact sports.

With respect to athletic programs, section 86.41 (d) sets specific time limitations on the attainment of total conformity of institutional policies and practices with the requirements of the regulation--up to one year for elementary schools and up to three years for all other educational institutions.

Because of the integral relationship of the provision relating to athletic scholarships and the provision relating to the operation of athletic programs, the adjustment periods for both are the same.

The adjustment period is not a waiting period. Institutions must begin now to take whatever steps are necessary to ensure full compliance as quickly as possible. Schools may design an approach for achieving full compliance tailored to their own circumstances; however, self-evaluation, as required by section 86.3 (c) is a very important step for every institution to assure compliance with the entire Title IX regulation, as well as with the athletics provisions.

Required First Year Actions

School districts, as well as colleges and universities, are obligated to perform a self-evaluation of their entire education program, including the athletics program, prior to July 21, 1976. School districts which offer interscholastic or intramural athletics at the elementary school level must immediately take significant steps to accommodate the interests and abilities of elementary school pupils of both sexes, including steps to eliminate obstacles to compliance such as inequities in the provision of equipment, scheduling and the assignment of coaches and other supervisory personnel. As indicated earlier, school districts must conform their total athletic program at the elementary level to the requirements of section 86.41 no later than July 21, 1976.

In order to comply with the various requirements of the regulation addressed to nondiscrimination in athletic programs, educational institutions operating athletic programs above the elementary level should:

(1) Compare the requirements of the regulation addressed to nondiscrimination in athletic programs and equal opportunity in the provision of athletic scholarships with current policies and practices;

(2) Determine the interests of both sexes in the sports to be offered by the institution and, where the sport is a contact sport or where participants are selected on the basis of competition, also determine the relative abilites of members of each sex for each such sport offered, in order to decide whether to have single sex teams or teams composed of both sexes. (Abilities might be determined through try-outs or by relying upon the

knowledge of athletic teaching staff, administrators and athletic conference and league representatives.)

(3) Develop a plan to accommodate effectively the interests and abilities of both sexes, which plan must be fully implemented as expeditiously as possible and in no event later than July 21, 1978. Although the plan need not be submitted to the Office for Civil Rights, institutions should consider publicizing such plans so as to gain the assistance of students, faculty, etc. in complying with them.

Assessment of Interests and Abilities

In determining student interests and abilities as described in (2) above, educational institutions as part of the self-evaluation process should draw the broadest possible base of information. An effort should be made to obtain the participation of all segments of the educational community affected by the athletics program, and any reasonable method adopted by an institution to obtain such participation will be acceptable.

Separate Teams

The second type of determination discussed in (2) above relates to the manner in which a given sports activity is to be offered. Contact sports and sports for which teams are chosen by competition may be offered either separately or on a unitary basis.

Contact sports are defined as football, basketball, boxing, wrestling, rugby, ice hockey and any other sport the purpose or major activity of which involves bodily contact. Such sports may be offered separately.

If by opening a team to both sexes in a contact sport an educational institution does not effectively accommodate the abilities of members of both sexes (see 86.41(c) (1)), separate teams in that sport will be required if both men and women express interest in the sport and the interests of both sexes are not otherwise accommodated. For example, an institution

would not be effectively accommodating the interests and abilities of women if it abolished all its women's teams and opened up its men's teams to women, but only a few women were able to qualify for the men's team.

Equal Opportunity

In the development of the total athletic program referred to in (3) above, educational institutions, in order to accommodate effectively the interests and abilities of both sexes, must ensure that equal opportunity exists in both the conduct of athletic programs and the provision of athletic scholarships.

Section 86.41(c) requires equal opportunity in athletic programs for men and women. Specific factors which should be used by an educational institution during its self-evaluative planning to determine whether equal opportunity exists in its plan for its total athletic program are:

--the nature and extent of the sports programs to be offered (including the levels of competition, such as varsity, club, etc.);

--the provision of equipment and supplies;

--the scheduling of games and practice time;

--the provision of travel and per diem allowances;

--the nature and extent of the opportunity to receive coaching and academic tutoring;

--the assignment and compensation of coaches and tutors;

--the provision of locker rooms, practice and competitive facilities;

--the provision of medical and training facilities and services;

--the provision of housing and dining facilities and services;

--the nature and extent of publicity.

Overall Objective

The point of the regulation is not to be so inflexible as to require identical treatment in each of the matters listed under section 86.41(c). During the process of self-evaluation, institutions should examine all of the athletic opportunities for men and women and make a determination as to whether each has an equal opportunity to compete in athletics in a meaningful way. The equal opportunity emphasis in the regulation addresses the totality of the athletic program of the institution rather than each sport offered.

Educational institutions are not required to duplicate their men's program for women. The thrust of the effort should be on the contribution of each of the categories to the overall goal of equal opportunity in athletics rather than on the details related to each of the categories.

While the impact of expenditures for sex identifiable sports programs should be carefully considered in determining whether equal opportunity in athletics exists for both sexes, equal aggregate expenditures for male and female teams are not required. Rather, the pattern of expenditures should not result in a disparate effect on opportunity. Recipients must not discriminate on the basis of sex in the provision of necessary equipment, supplies, facilities, and publicity for sports programs. The fact that differences in expenditures may occur because of varying costs attributable to differences in equipment requirements and levels of spectator interest does not obviate in any way the responsibility of education institutions to provide equal opportunity.

Athletic Scholarships

As part of the self-evaluation and planning process discussed above, educational institutions must also ensure that equal

opportunity exists in the provision of athletic scholarships. Section 86.37(c) provides that "reasonable opportunities" for athletic scholarships should be "in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics."

Following the approach of permitting separate teams, section 86.37(c) of the regulation permits the overall allocation of athletic scholarships on the basis of sex. No such separate treatment is permitted for non-athletic scholarships.

The thrust of the athletic scholarship section is the concept of reasonableness, not strict proportionality in the allocation of scholarships. The degree of interest and participation of male and female students in athletics is the critical factor in determining whether the allocation of athletic scholarships conforms to the requirements of the regulation.

Neither quotas nor fixed percentages of any type are required under the regulation. Rather, the institution is required to take a reasonable approach in its award of athletic scholarships, considering the participation and relative interests and athletic proficiency of its students of both sexes.

Institutions should assess whether male and female athletes in sports at comparable levels of competition are afforded approximately the same opportunities to obtain scholarships. Where the sports offered or the levels of competition differ for male and female students, the institution should assess its athletic scholarship program to determine whether overall opportunities to receive athletic scholarships are roughly proportionate to the number of students of each sex participating in intercollegiate athletics.

If an educational institution decides not to make an overall proportionate allocation of athletic scholarships on the basis of sex, and thus, decides to award such scholarships by other means such as applying general standards to applicants of both sexes, institutions should determine whether the standards used to award scholarships are neutral, i.e. based on criteria which do not inherently disadvantage members of either sex. There are a number of "neutral" standards which might be used

including financial need, athletic proficiency or a combination of both. For example, an institution may wish to award its athletic scholarships to all applicants on the basis of need after a determination of a certain level of athletic proficiency. This would be permissable even if it results in a pattern of award which differs from the relative levels of interests or participation of men and women students so long as the initial determination of athletic proficiency is based on neutral standards. However, if such standards are not neutral in substance or in application then different standards would have to be developed and the use of the discriminatory standard discontinued. For example, when "ability" is used as a basis for scholarship award and the range of ability in a particular sport, at the time, differs widely between the sexes, separate norms must be developed for each sex.

Availability of Assistance

We in the Office for Civil Rights will be pleased to do everything possible to assist school officials to meet their Title IX responsibilities. The names, addresses and telephone numbers of Regional Offices for Civil Rights are attached.

Peter E. Holmes

Case Studies in Intramurals and Athletic's

Worksheet B-2 (7)

1. Ten women want to come out for the varsity wrestling team. The coach tells them that he's sorry but they cannot.

2. The college fields one golf team and effectively announces that it is open to all students. Twenty men and sixteen women try out. Eight men make the team. No women are selected.

3. Volley ball is one of the major sports for women at "X" College. This fall six men approached the coach and indicated that since they were better players than any of the women on the existing team, they should be the school's team. The coach, Ms. Bing, thanked them but related that the women would continue to represent the school since men currently had fourteen teams on which to compete in eight sports and the women had only seven teams of five sports.

4. The sum of $500,000 a year is allocated to athletics from university funds of "0" University. The women's athletic director is demanding that $250,000 he allocated to each of the athletics staffs -- male and female.

5. League regulations allow the men's varsity basketball team to play a total of twenty-eight games per season (including holiday/invitation tournaments) while the women play only eighteen. Championship playoffs are planned for the men's team but not for the women's

6. In order to comply with Title IX, the two athletic departments are merged. The chairman of the men's department is appointed the athletic director of the newly merged department even though he has only a master's degree and five years experience while the deposed woman has a PhD., ten years experience, and was voted "Coach of the Year" by the conference the previous year. When asked why this happened, the president responded, "It's just easier to talk to a man instead of a woman about sports."

7. The student government president, in a budget hearing regarding the disbursement of student funds, announces that when and if women's sports can draw a crowed, the student body will consider giving them funds as they are currently awarding the men's teams.

8. The college newspaper has six reporters on its sports staff-five men and one woman. The coverage of school sports reflects 80% for men's teams and 20% for women's even though there are 4 men's teams and 4 women's teams currently in season.

9. Sally is an outstanding diver. She wants to compete with the men's swimming team because the women's swimming team does not include three meter diving in their competitive events. Even though she is the best diver in school, she is denied the ight to compete on the men's team. Her parents want to know what they can do.

10. In order to overcome past discrimination, the merged intramural department announces a new activity on women's weight training so they can "catch up" with the men.

11. The female intramural director hoards the badminton rackets and shuttle cocks from the male intramural director because "The men are so negligent and are always breaking or losing 'our'equipment".

12. Mary Smith, the intramural director, asks Harry Carloon, the athletic director, "When are we going to get started on this coed stuff?" He replies, "See me in 1978."

Worksheet Number B_2 (8)

COMPETITIVE ATHLETICS ASSESSMENT

"What Is" -- "What Ought to Be"

INSTRUCTIONS:

Complete this instrument twice. The first time through place an "X" on that portion of the continuum that best represents your institution's position right now. This perception should reflect your best estimation of "what is." The second time through, place an "O" on that part of the continuum that represents where you would like to see your institution regarding each issue. This second mark is your estimation of "what ought to be" on your own campus.

Compliance Procedures

1. _____

Make a statement of intent to comply without a formal self-evaluation	Conduct a paper self-evaluation	Conduct self-evaluation to determine where inequities exist in athletic policies, programs, and practices

2. _____

Determine compliance or non-compliance by executive action	Establish a committee with responsibilities to determine compliance status but no power to effect changes except to make recommendations	Establish a self-evaluation committee which is widely representative of the students, campus, and athletic faculty. Provide them with the power and responsibility for analysis and formation of long range plans for equity in athletic programs, coaching, administration, and facilities.

3. _____

Wait until complaints have been filed with the Office of Civil Rights before considering program changes	Wait until 1978 to make adjustments where obvious inequities exist	Systematically plan for and continually reassess athletic opportunities and priorities to match student interests and abilities with sound educational philosophy

4. _____

Establish athletic programming by arbitrarily deciding what is good for students and what the institution will support	Administer but ineffectively utilize student athletic interest surveys or personnel response	Administer and use student athletic surveys to determine options and levels of athletic programming

Separate or Unitary Teams/Programs

5. _____

Leave athletic programs at current level because of budgetary problems, leaving four sports for males and one sport for females	Establish a minimal female athletic program by offering basketball and volleyball to females while continuing to offer football, basketball, baseball, and two individual sports to males.	Encourage males and females to develop their skills through sports available to them (based on their stated interests and abilities) with the goal of providing equal athletic opportunity for all students

6. _____

Decide the direction and scope of the athletic program at the athletic administration level	Represent the interests of females through policy making bodies which are traditionally male	Ensure that female coaches and coaches of female teams are involved in program decision making and in positions at the administrative level

Determination of Equal Opportunity

7. _____

Provide only one intramural program serving small numbers of students most of whom are physically gifted males	Establish minimal intramural program for women while expanding the total program to indlude more activities for males	Operate an intramural program with the goal of total student involvement, emphasizing interest, rather than sex or skill level as the criterion for participation

8. _____

Make no provisions for female teams' uniforms and equipment	Assign used equipment and uniforms to female teams	Attempt to equalize quality of uniforms and equipment for single sex and unitary teams

9. _____

Provide insufficient facilities and practice times for female teams	Schedule use of facilities for female teams during inconvenient hours	Establish a time rotation cycle of facilities use with equal access to most convenient hours by male and female teams

10. _____

Provide travel allowances and tournament per diems only to males	Allow travel allowances for one female tournament team per year and no per diems	Provide full travel allowances and equal per diems for all tournament teams and athletes

11. _____

Refuse to assign a coach in response to females who want to form a team (e.g., tennis) based on student interest because there is a men's team and women may participate on it.	Provide one coach (women) for three female teams, two of which may run concurrently, (e.g., volleyball and basketball)	Establish a desirable coach/athlete ratio; and then monitor <u>all</u> athletic teams to maintain that ratio (e.g., 1 coach per 8 athletes)

12. _____

Continue the present arrangements for access to training facilities with those being available to males except in rare situations	Recognize that Title IX mandates access to training facilities and institute policy that allows for female athletes to have limited access to some of the training facilities	Institute a policy whereby there is equal access to training and medical care facilities by all athletes during their practice and free school time

13. _____

Provide information to the media about male football and basketball players and games, but no information about other sports for men or women	Provide answers to reporters' questions and call in game scores to the media	Prepare and distribute equal materials to the media for all athletic events and suggest extra coverage of the new sports being offered

14. _____

Provide an extra-curricular club for male varsity athletes complete with advisor and awards banquet with no equivalent activity for female athletes	Sponsor a varsity club for all varsity athletes but with a male advisor, and a majority of male members discouraging females from active participation	Require that the athletic club (for all athletes) have a male/female advisor team, and strive to have the achievements of all athletes recognized and and rewarded

<u>Financial Aid</u>

15. _____

Financial aid based on athletic ability is given to a very select group of males in revenue-producing sports; therefore, no females qualify for aid	Financial aid based on athletic ability is given to five outstanding women athletes	Financial aid based on athletic ability is provided in proportion to the number of women athletes participating in intercollegiates

16. _____

There has not been a review of the criteria or numbers of financial aids based on athletic ability	There has been a general review of the awarding of financial aid based on athletic ability, and several women now receive financial aid based on need	There has been a thorough review of policies and procedures to assure reasonable proportion of awards to female athletes

WORKSHEET B_2 (9)

"ATTITUDES TOWARD COMPLIANCE OF TITLE IX IN ATHLETICS OF MALE/FEMALE PERSONNEL"*

INSTRUCTIONS:

Answer the following three questions in the right hand column of the form.

COLUMN #1 MALES ANSWER: Select in order of importance the three statements which seem to be most detrimental to the Men's Athletic Programs.

COLUMN #2 FEMALES ANSWER: Select in order of importance, the three statements which seem to be most beneficial to the Women's Athletic Programs.

COLUMN #3 ALL PARTICIPANTS ANSWER: In order of importance, select the two statements which seem to have the most impact on the present Men's and Women's Athletic Programs.

Scale Items	1	2	3
1. The quality and quantity of facilities, equipment, medical and training services for female and male athletics should be equivalent.			
2. Equal priority should be given to female and male teams in regard to scheduling of games and practices.			
3. Female and male athletic teams should have the same quality of coaching.			
4. Male and female coaches should have equal opportunity to coach either male or female teams, and to be eligible for extra duty pay.			
5. Limitations on athletic recruiting should be the same for both females and males at a given institution.			
6. Student surveys should be conducted to determine the level of competition, interest, abilities, and the sports in which male and females desire to compete.			
7. No revenue-producing sports for either females or males would be exempted from Title IX provisions.			
8. Large disparities should not exist in male and female athletic budgets although equal expenditure is not required.			
9. Females and males should have equal decision-making power concerning athletic policies, budgets, and programs.			
10. If participation on the same team in a sport discriminates against either a female or male athlete, separate teams for females and males should be sponsored to provide equal opportunity for successful participation in the sport.			

*Adaptation of Walter Kroll Study, "Psychological Scaling of Proposed Title IX Guidelines" Research Quarterly Volume 47 No. 3 1976.

WORKSHEET B_2 (10)

Philosophical Considerations in Male/Female Athletics

INSTRUCTION

Answer the following questions in relation to your own personal beliefs.

1. **What are the major outcomes of an excellent athletic program?**

2. **What OUGHT to be the values and purposes of an excellent athletic program?**

3. **What OUGHT to be the primary function of an athletic program?**

4. **What is the primary cause of disharmony between male/female athletic directors and/or the athletic programs?**

5. **Who should have decision-making power when there are conflicts in beliefs, practices, policies, and programs? (Within athletics, not other administrators)**

6. **What do you think are three major differences in philosophical beliefs of male/female programs? (e.g., values? objectives? outcomes? purposes? programs? administrative details?)**

7. **What are two or three compromises which might be made in areas of controversial issues which do affect access to opportunity for students?**

1. The contract of a men's baseball coach calls for regular 5-10% increments each year. The contract for the female softball coach has no increment clause, but in application, she has received a 3% raise increases the last three years. Both coaches started coaching the same year with a salary which was within $1,000 of the other. (Male was higher as he had three more games than she had that year.)

2. Each year a group of Alumni sponsor a basketball game against the men's varsity basketball team. They make about $1,000 on the event. The president of the college decides it should be donated to the college for the men's basketball team and other men's teams who do not have access to the football teams's universal gym. Since the only area for the equipment to be placed is just outside the men's lockerroom, women could not use the equipment. In addition, the alumni group asked that it be reserved for male basketball players first and then the other men's team members. They refused to permit the use of this equipment by female athletes. Both the placement of the equipment and the wishes of the alumni made it impossible to permit women to use the equipment.

3. A situation at a junior college revealed that Mr. Jones, the women's basketball coach, had enough women out for basketball to have both a junior varsity and varsity team. The men's coach decided to field only one team and cut his squad to 12 men. The women had about 28 members on the two teams. The men's team had an assistant coach. Mr. Jones was told there was not enough money for both teams to have an assistant coach, and the men were in a "tough" conference and needed the extra coaching. The women played against many inferior teams so easily won. Mr. Jones filed a complaint because he was the only coach for both teams and believed the women were being "short changed". In addition, he believed they did not permit the women to travel far enough to compete with teams equal to their ability. This would demand a few more travel miles for the women as there are many good men's teams in the region.

4. Two women made a unitary swimming team. One is a diver, and the other is a diver and swimmer. This is the first year the team had been opened to women. Because of Title IX, the women were permitted on the team even though 20 other women asked for a women's swimming team. The one woman was not a top swimmer, but the other was a very good diver. The coach did not give assistance to either of the women and refused to let them compete in any away meets, although the diver had won against local talent. The diver seemed consistently better than her male counterparts according to all observers and her scores in the local meets. The coach refused to let her travel with the team; his reason was that he would not take one women on the travel squad and the other woman was not good enough. The women filed a grievance for discriminatory action on the part of the team and the coach.

CASE STUDIES: IDENTIFYING DISCRIMATORY PRACTICES: ANALYSIS FORM

Worksheet # B-2 (12)

Please read each of the items in the case study carefully. After reading the items, discuss the questions listed below with your small group. Each group will be asked to prepare a worksheet. Extra worksheets will be available for your personal use.

1. What are the implications of Title IX for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What kinds of action steps are suggested by this problem?

   a) Policy development _____

   b) Clarification/communication _____

   c) Study or investigation _____

   d) Staff training _____

   e) Program development/modification _____

   f) Budget allocation _____

   g) Disciplinary action _____

   h) Other (please specify) _____

4. What specific alternatives are available for problem resolution?

5. What alternative(s) would you select and why?

CASE STUDIES: IDENTIFYING DISCRIMINATORY PRACTICES: ANALYSIS FORM

Worksheet # B-2 (13)

Please read each of the items in the case study carefully. After reading the items, discuss the questions listed below with your small group. Each group will be asked to prepare a worksheet. Extra worksheets will be available for your personal use.

1. What are the implications of Title IX for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What kinds of action steps are suggested by this problem?

   a) Policy development _____

   b) Clarification/communication _____

   c) Study or investigation _____

   d) Staff training _____

   e) Program development/modification _____

   f) Budget allocation _____

   g) Disciplinary action _____

   h) Other (please specify) _____

4. What specific alternatives are available for problem resolution?

5. What alternative(s) would you select and why?

CASE STUDIES: IDENTIFYING DISCRIMATORY PRACTICES: ANALYSIS FORM

Worksheet # B-2 (14)

Please read each of the items in the case study carefully. After reading the items, discuss the questions listed below with your small group. Each group will be asked to prepare a worksheet. Extra worksheets will be available for your personal use.

1. What are the implications of Title IX for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What kinds of action steps are suggested by this problem?

   a) Policy development _____

   b) Clarification/communication _____

   c) Study or investigation _____

   d) Staff training _____

   e) Program development/modification _____

   f) Budget allocation _____

   g) Disciplinary action _____

   h) Other (please specify) _____

4. What specific alternatives are available for problem resolution?

5. What alternative(s) would you select and why?

CASE STUDIES: IDENTIFYING DISCRIMATORY PRACTICES: ANALYSIS FORM

Worksheet # B-2 (15)

Please read each of the items in the case study carefully. After reading the items, discuss the questions listed below with your small group. Each group will be asked to prepare a worksheet. Extra worksheets will be available for your personal use.

1. What are the implications of Title IX for the problem to be addressed?

2. What further information is needed to facilitate action or decision making?

3. What kinds of action steps are suggested by this problem?

   a) Policy development _____

   b) Clarification/communication _____

   c) Study or investigation _____

   d) Staff training _____

   e) Program development/modification _____

   f) Budget allocation _____

   g) Disciplinary action _____

   h) Other (please specify) _____

4. What specific alternatives are available for problem resolution?

5. What alternative(s) would you select and why?

WORKSHEET B_2 (16)

"ACTION PLAN IN ATHLETICS"

I. Establishing Change Objectives:

What three actions related to athletics within Title IX compliance and the elimination of sexism in athletics should be accomplished during next year? These should be in policies, program, procedures, or decision making areas.

1.

2.

3.

Select one of the three objectives above and answer the following questions concerning that change:

1. What is to be changed? Who is going to do it? How should it be done? Where does it occur? When shall it occur?

II. Identify Barriers and Supports for Change:

1. What are the important barriers that will be encountered in working toward the change objective?

2. What support will you have in working toward the change objective?

3. What are possible compromises which must occur in order to achieve the objective or a portion of it?

WORKSHEET B_2 (16)

"ACTION PLAN IN ATHLETICS" (con't.)

III. Planning for Achievement of the Objective:

A. Resources available for change? What resources (knowledges, skills, money, people) will you need to achieve your change objective?

B. List the necessary steps that you will have to take to meet your change objectives and the time frame for completion of the task.

IV. What efforts will you make for cooperative policy review and changes? Comment on program content, personnel and decision making.

V. What change objective would you work toward in the athletic organizations in which your institution holds membership?

A. What would be your procedure to attempt such a change?

APPENDICES

IDENTIFYING DISCRIMINATORY PRACTICES

Worksheet #B 1-7A

(For facilitator use and to be given to participants following total group processing.)

1. Because the rules in several activities for males and females are different (lacrosse, basketball, etc.), these courses are listed 'for men only' and 'for women only' in the course offerings.

   Action for Compliance: Participation in physical education classes may not be refused to students on the basis of their sex. Since the rules for these activities are different, it would be permissible under Title IX to indicate 'men's rules' or'women's rules' as the distinguishing factor; however, the classes must be open to both sexes.

2. Since strength and speed are factors which influence both the safety and successful achievement of women in certain activities (basketball, football, wrestling, etc.) several courses are listed'for men' or 'for women'.

   Action for Compliance: Physical education classes may not sex-segregated. In activities where bodily contact is the major purpose, students may be grouped within the participation phase of the class; that is during actual game situations and drills which involve bodily contact.

3. In a sex-integrated tennis class students are tested for ability grouping. All of the men ended in the higher skilled group while all the women ended in the lower group. Thus, the class became 'segregated from within'.

   Action for Compliance: In grouping, the ability of the student must be assessed by objective standards. The skill measurement, in this case, should be looked at carefully, as the effect seems to be limiting the opportunity of students of one sex. Ability measures should not have the effect of screening out disproportionate numbers of students of one sex unless the measurements are directly related to safety or performance in the specific activity.

4. Similar norms were used for males and females in evaluating progress in a basketball class. With one exception, all of the females received a 'C' or below while a majority of the males received a 'B' or better.

   Action for Compliance: Where a single standard for evaluating has an adverse impact on the students of one sex, as in this case, one of two alternatives must be implemented: (a) separate standards or sets of standards for males and females must be developed or (b) a standard which measures individual progress must be used.

5. Since there is a safety factor involved in lacrosse participation, males and females are taught isolated skills as a group but separated for drill situations such as 3 on 2 situations and the like.

   Action for Compliance: This situation is completely in compliance with Title IX. Students may be separated during actual game play situations and during practice sessions which actually involve bodily contact.

6. In an elective bowling class, the instructor states that men may participate in their regular street clothes but women must change to the uniform provided according to the on-campus bowling lane restrictions.

   Action for Compliance: Imposition of different dress standards for female and male students is in violation of Title IX regulations. A policy may be established regarding requirements for appropriate and safe attire for participation in physical education classes, but the policy must be applied equally to all students. Since this class is held within a university facility, this ruling is particularly applicable and the university policy should be examined for sex discriminatory practices.

7. In a physical conditioning class, the men are required to do a full pull-up to pass the arm strength test while the women are merely required to do the bent arm hang for ten seconds.

   Action for Compliance: While this is legal in order to overcome past discrimination, it is more desirable to allow any student who cannot do a pull-up to execute the alternate bent-arm hang.

8. Forty-five students register for a coeducational lacrosse class. The class is scheduled to be team taught. After the initial orientation session, the male teacher uses one field to teach the men and the female teacher uses another comparable field to teach the women. (There are different rules for men and women in this sport.)

   Action for Compliance: Team teaching is a highly desirable instructional approach; however, the separation of the students on the basis of sex for the activity is against Title IX regulations. The class should be conducted together for individual skill practices and then may be separated for active game situations.

9. In a university situation, the approximate male/female ratio of service class students is 50-50. A female instructor resigns; a male instructor is hired to replace her. The faculty ratio becomes 6 male/ 3 female instructors.

   Action for Compliance: This may or may not be a Title IX violation. If the employment procedures were correctly followed and no direct effort was made to attract just male applicants and the candidate was the most qualified, then no violation has occurred. While Title IX does not specifically dictate that ratios be followed, it does point out that should the overall effect of hiring practices be such that one sex is discriminated against, the local education agency may be out of compliance with Title IX and Title VII.

10. In a coeducational judo class, the male instructor proudly claims: "So far I've been able to discourage the women the first day so that they drop the class."

    Action for Compliance: The class is obviously open to both sexes. This situation indicates a need for work in the area of staff attitudes and acceptance of the spirit as well as the mechanical letter of the implementation procedures.

CASE STUDIES: SMALL GROUP PROCESS

Facilitator Information #B-2 (7A)

1. Tne women want to come out for the varsity wrestling team. The coach tells them that he's sorry but they cannot.

   Comment: Title IX would sanction this action as long as the interests and abilities of the women were met in some appropriate way. Thus, a women's wrestling team could be started (if there were teams of a like nature against whom they could compete) or the women could be channeled toward existing sports offerings such as field hockey, speedball, gymnastics, etc. It should be noted, however, that some conferences have rules which are more stringent than Title IX, and, in those instances, the women would have to be allowed to try out for positions on the wrestling team.

2. The college fields one golf team and effectively announces that it is open to all students. Twenty men and sixteen women try out. Eight men make the team. No women are selected.

   Comment: While the process for tryouts was obviously nondiscriminatory, the results clearly reveal that the abilities of the women were not provided for. Since there is significant interest (16 women tried out), the school should make some arrangement to initiate a women's golf team.

3. Volleyball is one of the major sports for women at "X" College. This fall six men approached the coach and indicated that since they were better players than any of the women on the existing team, they should be the school's team. The coach, Ms. Bing, thanked them but related that the women would continue to represent the school since men currently had fourteen teams on which to compete in eight sports and the women had only seven teams in five sports.

   Comment: The response and action was correct. Since the men obviously have an interest in the sport, the school, during its review process, may discover that men's volleyball should replace one of the existing competitive sports offerings for men or be added as soon as sports opportunities are equal for both men and women.

4. The sum of $500,000 a year is allocated to athletics from university funds of "O" University. The women's athletic director is demanding that $250,000 be allocated to each of the athletic staffs -- male and female.

   Comment: The equal division of available funds is not required by Title IX. As long as services provided are adequate and equitable there need not be dollar for dollar parity. It is clear that the cost of outfitting a football player is far greater than the cost of fielding a volleyball player. Consideration of the overall budgeting process and not comparable spending is paramount in Title IX reviews.

5. League regulations allow the men's varsity basketball team to play a total of twenty-eight games per season (including holiday/invitational tournaments) while the women may play only eighteen. Championship playoffs are planned for the men's teams but not for the women.

   Comment: This is contrary to the Title IX regulations. Teams in like sports must have like lengths of seasons, opportunities to play before an audience, and

opportunity for the same honors and awards.

6. In order to comply with Title IX, the two athletic departments are merged. The chairman of the men's department is appointed the athletic director of the newly merged department even though he has only a master's degree and five years experience while the deposed woman has a PhD., ten years experience, and was voted "Coach of the Year" by the conference the previous year. When asked why this happened, the president responded, "It's just easier to talk to a man instead of a woman about sports".

   Comment: While Title IX does not specifically address the issue of administrative structure, this would appear to be a case of absolute discrimination in the area of employment practices. The president is obviously guilty of sex stereotyping and is callously averting the intent of the law. The teacher would probably have a successful grievance not only for Title VII but also Title IX, if the job description called for higher credentials than those held by the successful candidate.

7. The student government president, in a budget hearing regarding the disbursement of student funds, announces that when and if women's sports can draw a crowd, the student body will consider giving them funds as they are currently awarding the men's team.

   Comment: The student body president is not only applying his own sex stereotyped criteria, he is implying that women, who constitute a large portion of his student body, can support the men's teams but that the student body, in turn, will not sponsor adequately the events planned for women. While equal dollar for dollar spending is not required by law, the student body will have to rethink its financing policy and distribute their dollars in proportion to the interests of students.

8. The college newspaper has six reporters on its sports staff -- five men and one woman. The coverage of school sports reflects 80% for men's teams and 20% for women even though there are four men's teams and four women's teams currently in season.

   Comment: While the ration of reporters (5:1) is not in itself a violation of the Title IX regulations for it may represent the actual journalistic interest of the students, the proportion of news coverage does appear to be discriminatory. Efforts should be made to equitably recognize and publicize the total sports program. This may require more positive counseling in order to attract women to the sports reporting assignments, in-service or instruction for those already involved (regarding the law and its inherent concepts), and in-service training for the coaches of the women's teams so they will encourage coverage and provide the necessary facts to make the articles newsworthy.

9. Sally is an outstanding diver. She wants to compete with the men's swimming team because the women's swimming team does not include three-meter diving in their competitive events. Even though she is the best diver in school, she is denied the right to compete on the men's team. Her parents want to know what they can do.

   Comment: It would appear that Sally's interests and ability are not being met with the current arrangement and that Sally and her parents would be within their rights to challenge the decision. Use of the established grievance procedure for the college would be the preferred vehicle. Should the process be nonexistent or fail to function effectively, a complaint could be filed directly to the regional OCR office serving the area. Two solutions seem possible: (1) the

women could add three meter diving to their list of events; and (2) Sally could be allowed to try out for the men's team in order to best satisfy her interests and capability.

10. The female intramural director hoards the badminton rackets and shuttle cocks from the male intramural director because "The men are so negligent and are always breaking or losing 'our' equipment."

Comment: All equipment should be available for any and all students in the intramurals. Such behavior on the part of the women reflects their sex stereotyping behaviors. If in truth, the men are negligent, suitable policies regarding care of equipment must be developed, but the labeling of some equipment for just women and other equipment for men is contrary to the law since all intramurals in noncontact sports must be open to all students.

11. Mary Smith, the intramural director, asks Harry Carlson, the athletic director, "When are we going to get started on this coed stuff?" He replies, "See me in 1978".

Comment: There is no waiting period for the implementation of Title IX. The self-evaluation should already be completed and all modifications of programs, policies, processes and practices that can be made should be made. Those things which cannot be accomplished immediately should be scheduled into a college plan for compliance and steady progress, in keeping with an established timeline.

ANSWER SHEET

CASE STUDIES: WORKSHEET #B-2 (11 A)

Case Study Answer #1:

Comments: The Title IX regulation requires that employers may not, on the basis of sex, make distinctions in the rates of pay for equal work. (87.54) If coaching positions are equivalent, no distinctions may be made on the basis of sex.

The contract language is clearly discriminatory on its face, in that salary distinctions are made on the sex of the athlete. Further information is therefore not needed for determining the legality of the contract language, but such information as the following would be useful in identifying alternative contract provisions:

- descriptions of each coaching position in terms of responsibility
- competencies required for different positions
- criteria (and their legality) for establishing coaching salaries
- projected athletics programs and budgets

Action steps which are indicated include policy development/clarification/communication and budget allocation/real location.

Available alternatives include:

- work with the teachers' association to change the terms of the contract
- develop criteria for determination of pay increments on the basis of factors other than sex (of either coach or athlete, e.g. performance, responsibility, etc.)
- implement procedures necessary to equalize pay of coaches of male and female teams on the basis of the criteria developed (other than sex of coach or athlete)
- revise athletic budget as required to accommodate salary changes

Each of the alternatives should be implemented.

CASE STUDY ANSWER # 2 :

Comments: The Title IX regulation prohibits the provision of benefits or services to one sex while excluding the other sex. (86.31) The gift under the conditions stated in the question would be such a benefit.

Further information is needed regarding:

- would the Alumni group donate the gift if the sex restriction would be ignored
- would the Alumni group allow the money to be used for another purpose

Action steps suggested by the problem are policy development/clarification/communication, community involvement, and perhaps budget allocation.

Available alternatives include:

- negotiate with the Alumni group to give the money as cash so that badly needed equipment may be purchased for the new female program
- negotiate with the Alumni group to lift its stated restriction regarding the use

of the new equipment by females, by explaining the illegality of such a restriction and the need of weight training by all athletes

Each of the alternatives should be implemented.

CASE STUDY ANSWER # 3:

Comments: Agencies receiving funds are required to evaluate their total athletic program to determine whether or not it effectively accommodates the interests and abilities of members of both sexes. Factors which should be considered in the evaluation include the nature and extent of sports programs offered and their accommodation of the interests and abilities of females and males in both sports and the level of competition offered. (86.421)

Further information is needed regarding:

- the specific sports options and levels of competition currently being provided for males and females
- any efforts made to assess the athletic interests of the females in the college, and the results of such efforts
- the feasibility of opening the male sports listed to females

Action steps suggested by the problem are study or investigation, policy/clarification, and perhaps program modification/development.

Available alternatives include:

- conducting and analyzing an inventory of the athletic interests of female and male students in intercollegiate athletic and intramural programs, if one has not already been completed.
- deciding in conjunction with other school officials and staff the desired thrust of athletic programming. (e.g., separate sex versus mixed team offerings)
- reviewing plans, if any, for the expansion of female sports programs including timetables, sports, and financial projections
- meeting with students to obtain greater information, to clarify college policy and plans, and to obtain their suggestions for program revisions

Each of the alternatives should be implemented.

CASE STUDY ANSWER # 4:

Comments: The Title IX regulations require, under the criteria for establishing equal opportunity in athletics, the "the opportunity to receive coaching ..." not be based on the sex of the athlete. (86.41)

Further information is needed regarding:

- any other females who didn't even try out for the team because of the lack of coaching
- are there staff members or qualified community members available to take on coaching responsibilities in order to begin a women's team

Action steps suggested by the problem are study or investigation, community involvement, program modification/development and possibly staff training and budget allocation.

Available alternatives include:

- initiating a policy that mandates equal athlete-to-coach ratios for sports where both male and female teams are offered
- making a survey to identify possible qualified staff people who would be willing to take on coaching responsibilities for a women's swimming team
- establishing an on-going in-service and internship program to help qualify staff for coaching positions, particularly female staff who have been discouraged in the past from gaining these skills
- locating qualified, certified community members who would be willing to volunteer coaching time if budget is the problem
- providing financial resources to carry out any policy/program changes

Each of the alternatives should be implemented.